

Decision 02-09-017 September 5, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the San Francisco Bay Area Rapid Transit District (BART) for an Order authorizing construction of grade separated railroad crossing between BART and the tracks of the Joint Powers Board, between Mileposts 11.5 and 11.7.

Application 01-04-025
(Filed April 18, 2001)

O P I N I O N

Summary

As part of its extension to the San Francisco International Airport (SFIA), the Bay Area Rapid Transit District (BART) intends to build an underpass below the tracks of the Peninsula Corridor Joint Powers Board (JPB).

Discussion

As part of its extension to the SFIA (Extension), BART intends to build an underpass (Attachment B) below the tracks of the JPB, between Mileposts 11.5 and 11.7 near Angus Avenue, in the City of Millbrae (City), County of San Mateo. The Extension, in addition to bringing BART to SFIA, will link BART to Caltrain, via an intermodal station located in Millbrae. A sketch of the project area is set forth as Attachment A of this decision.

During construction, a “shoo-fly” track will be constructed to allow Caltrain to bypass the cross-over area during construction. Upon completion, new mainline track will be constructed for Caltrain over the cross-over point, and the “shoe-fly” will be removed.

The Extension is intended to reduce automobile traffic to the airport, and relieve associated problems with gridlock at departure drop off, and arrival pick up, and parking problems. In addition, the intermodal transit facility located in Millbrae will allow greater utilization of Caltrain for BART patrons, and vice versa, potentially reducing traffic congestion along the peninsula.

BART is the lead agency for this project pursuant to the National Environmental Policy Act of 1969 (NEPA) and the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code 21000 et seq. On August 30, 1996, in compliance with CEQA, BART filed its Notice of Determination with the Federal Transit Authority, approving this project stating that the project will have a significant effect on the environment. Accordingly, BART adopted mitigation measures as a condition of approval of the project, and submitted a Statement of Overriding Considerations for the project. Pursuant to CEQA Section 21081.6, BART is also adopting a Mitigation Monitoring Plan, to ensure all mitigations measures are implemented.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed BART's environmental documentation. The environmental documentation consists of the "BART-San Francisco Airport Extension, Final Environmental Impact Report/Final Environmental Impact

Statement” (FEIS) (Attachment C), a Notice of Determination and a Statement of Overriding Considerations (SOC). Analysis of potential environmental impacts included: land use and economic activity, community services and facilities, visual quality, hydrology and water quality, transportation, geology, soil and seismicity, cultural resources, biological resources, public health and safety, energy, noise and vibration, construction and air quality. We find these documents to be adequate for our decision-making purposes.

Safety and security, transportation and noise are within the scope of the Commission’s permitting process. For potential safety and security impacts, the required mitigation is to consult with emergency response agencies to keep the agencies informed about potential closures/partial closures and thereby avoid response delays during construction. However, BART determined that the potential impact remains significant and unavoidable, especially for the Bayside Manor neighborhood near the new Millbrae station.

Noise impacts were identified in the FEIS related to construction and operational periods. Impacts related to construction were identified as heavy machine and equipment affecting burial services at adjacent Colma cemeteries, Kaiser Hospital in South San Francisco and five residential neighborhoods, and pile driving activities that could affect Kaiser Hospital, South San Francisco High School, Serra Convalescent Home and 14 residential neighborhoods. The mitigation measures adopted to address these impacts will: a) designate adjacent Colma cemeteries and Kaiser Hospital as “special zones” where special noise/time restrictions apply, b) construct temporary noise barriers of site-specific sizes at various locations, and c) for pile driving operations, one of the following techniques will be employed: 1) where soil type permits, pre-drilling of holes, thereby reducing the force necessary to install piles, 2) use of cast-in-

drilled hole piles (drilling each pile to the desired depth and constructing the pile from cast-in-place reinforced concrete), 3) soil-mix technology consisting of multiple-shaft augers to mix soils with cement grout to overlap cement columns or 4) use of shielded pile driver. The preceding mitigation measures should lower all construction noise impacts to a level below significance.

Potential impacts during the operational phase are the wheel-truing-machine and turntable proposed for the Daly City yard, ground borne noise at five sensitive receptors and vibration impacts at eight sensitive receptors in Colma, ground borne noise at 43 sensitive receptors and vibration impacts at 100 sensitive receptors in South San Francisco, ground borne noise at two sensitive receptors and vibration impacts for 20 sensitive receptors in San Bruno, and ground borne noise at 12 sensitive receptors in Millbrae. The aerial-stub-wye will potentially impact 59 sensitive receptors in San Bruno, 13 in Millbrae and office buildings at SFIA with ground borne noise. The mitigation measures adopted to address these impacts will: a) design the building housing the wheel-truing-machine with no openings towards residences (if this proves insufficient, additional sound barriers will be employed), b) build an additional eight foot by twelve foot sound wall surrounding the proposed turntable, c) construct permanent noise barriers of site-specific sizes at various locations, d) construction of the aerial structure sound wall with absorption, or other measures achieving equivalent noise mitigation and e) implement one or more of the following mitigations: 1) floating slab trackbed, 2) resiliency supported ties or soft rail fasteners and/or 3) off-site mitigation such as isolation of a building at its points of contact to the ground (lifting structure and placing neoprene insulation between structure and foundation- not currently planned for this

project). BART determined that the preceding mitigation measures would lower all operational noise impacts to a level below significance.

Transportation and traffic impacts identified in the FEIS are related to construction and operational periods. During construction, the impacts were identified as road closures during the “cut and cover” process of constructing subway segments, loss of parking and potential impacts to Samtrans bus service and Caltrain rail service. The adopted mitigations for these impacts are:

a) detours for closures of some streets, b) “decking” streets not feasible to close with steel plates to allow for reduced vehicular usage, c) maintaining a minimum four-foot sidewalk in all construction areas, d) provide safe routes/detours for signed bicycle routes, e) provide temporary replacement parking, f) work with local agencies to develop/coordinate methods to eliminate/minimize impacts from increased construction traffic, g) coordinate with Samtrans to minimize delays in bus service, h) provide a double “shoo-fly track to allow Caltrain to provide their regular service, i) perform all construction activities in such a manner or at such a time as to eliminate/minimize disruption to Caltrain’s service and j) distribute and post advanced passenger bulletins announcing possible service delays a minimum of two weeks prior to the possible delay.

BART determined that even with these mitigations, it is likely that street closure impacts due to construction will remain significant and unavoidable during the construction period.

During the operation of the Extension, potential impacts were identified as reduced Level of Service (LOS)¹ at four intersections (Hickey Station exit, Sneath

¹) LOS is a measure of driving conditions and delays, and ranges from “A” for best to “F” for poorest.

Lane at El Camino Real, Millbrae Avenue at El Camino real and Sneath Lane at Sears entrance), increased freeway traffic between Millbrae Avenue and Broadway and Millbrae Avenue and Third Avenue in San Mateo, increased parking demands near new BART stations, SFIA patrons using BART parking structures, and a cumulative impact of “weaving” at the US 101/Milbrae Avenue interchange. Mitigations proposed for these impacts are a) install all-way stop at the Hickey Station exit, b) BART contribution to the City of San Bruno for the addition of new lanes on all approaches at Sneath Lane and El Camino Real, c) install a traffic signal on Sneath Lane at the Sears entrance, d) make a “fair share” (determined to be 5.1 million dollars) contribution if and when the grade-separated crossing of Caltrain is ever widened near Millbrae Avenue and El Camino Real to allow for an additional eastbound through lane, e) meter or restrict parking near new BART stations, f) install signs and utilize video monitoring to dissuade BART patrons from using Tanforan mall parking, f) study improved Caltrain and Samtrans service to ease freeway congestion in the area, g) use standard BART parking validation procedures to discourage SFIA patrons from utilizing BART parking structures and h) make a “fair share” contribution if and when the US 101/Millbrae Avenue interchange is reconfigured into a “Par-Clo” (partial cloverleaf) configuration.

For the impact of increased freeway traffic on US 101, widening of the freeway was considered but rejected due to environmental concerns. The LOS of this freeway segment is projected to drop from “E” to “F” Even with the study for improved Caltrain and Samtrans service, it is likely to be a significant and unavoidable impact. For the impact of decreased LOS of the intersection of Millbrae Avenue and El Camino Real, a possible alternative is to extend California Avenue to an extended Victoria Avenue to a new BART garage in the

vicinity of the two extended streets. BART's contribution for this proposed project would be the same as the retrofit of the Millbrae Avenue Caltrain grade-separation.

In adopting SOC, BART determined that certain project benefits outweighed the significant and unavoidable impacts and warrant project approval. In particular, the SOC noted the Extension would satisfy a strong regional consensus, as demonstrated by MTC Resolution 1876 and San Mateo and San Francisco ballot measures. Commute travel in the US 101 corridor is heavily impacted by traffic from SFIA, which is in the process of expanding. The Extension provides transit as an alternative to the station. Additionally, the Extension will provide for a decrease of 485,000 vehicles miles compared to the 2010 No Build forecast. For these reasons, the project was determined to be necessary to accommodate traffic growth.

For the environmental impacts identified herein which were determined to be significant and unavoidable, we find that BART reasonably concluded there are sufficient project benefits to warrant project approval. For all other potentially significant impacts related to safety and security, transportation and noise, we find that BART adopted feasible mitigation measures to eliminate or substantially reduce the impacts to less-than-significant levels.

Rail Crossing Engineering staff has inspected the site of the proposed project. The staff examined the need for and safety of the proposed crossings and recommends that the requested authority be granted. BART has requested prompt action on its application due to a constrained construction schedule.

Application 01-04-025 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 41, which relates to the construction of a railroad or street railroad across a railroad or street railroad.

In Resolution ALJ 176-3062 dated May 3, 2001, the Commission preliminarily categorized this application as ratesetting, and determined that hearings were not necessary. No protests have been received. The Commission's Consumer Protection and Safety Division recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3062.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on April 18, 2001. No protests have been filed.
2. BART requests authority, under Public Utilities Code Sections 1201-1205, to construct one grade-separated crossing under the tracks of the JPB, identified as PUC Crossing Number 105E-11.5-11.7-T.
3. Public convenience, safety, and necessity require the extension of BART to SFIA.
4. During construction, JPB train service will be diverted from the work area by a temporary "shoe-fly," which will be removed upon completion of the project.
5. BART is the lead agency for this project under NEPA and CEQA, as amended.

6. The Commission is a responsible agency for this project, and has reviewed and considered BART's environmental documentation upon which BART relied in adopting mitigation measures for the project.

7. On August 30, 1996, BART filed its Notice of Determination approving the project and found that the Extension would have a significant effect on the environment. A SOC was adopted for this project.

8. BART's environmental documents are adequate for our decision-making purposes.

9. Safety and security, transportation and noise are within the scope of the Commission's permitting process.

10. The Commission finds that for each potentially significant impact related to safety and security, transportation or noise, BART adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

11. The Commission finds that for the environmental impacts determined to be significant and unavoidable, BART reasonably concluded there are sufficient project benefits to warrant project approval.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. We adopt and require the mitigations identified in BART's FEIS as well as the SOC for purposes of our project approval.
3. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The Bay Area Rapid Transit District (BART) is authorized to construct one grade-separated crossing under the tracks of the Peninsula Corridor Joint Powers

Board (JPB) to be identified as BART/ Caltrain Underpass, PUC Crossing Number 105E-11.5-11.7-T in the City of Millbrae, County of San Mateo.

2. Clearances shall be in accordance with General Order (GO) 26-D.

3. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the parties. A copy of the agreement shall be filed by BART with Consumer Protection and Safety Division (CPSD) prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Prior to construction, BART shall file with CPSD final construction plans, approved by JPB.

6. BART shall inform the Rail Crossings Engineering Section of CPSD in writing within 30 days of the date of completion of this project.

7. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

8. This application is granted as set forth above.

9. Application 01-04-025 is closed.

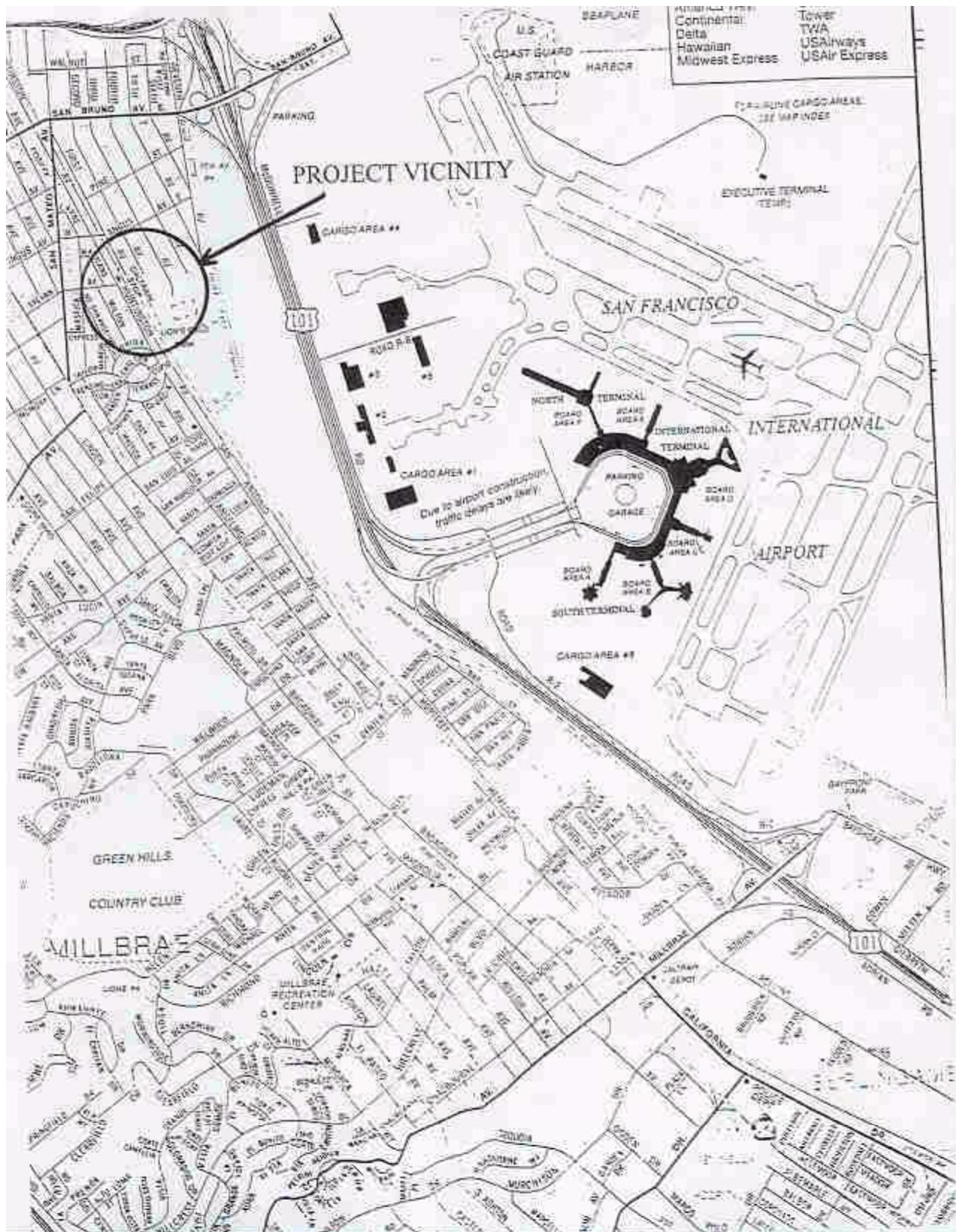
This order is effective today.

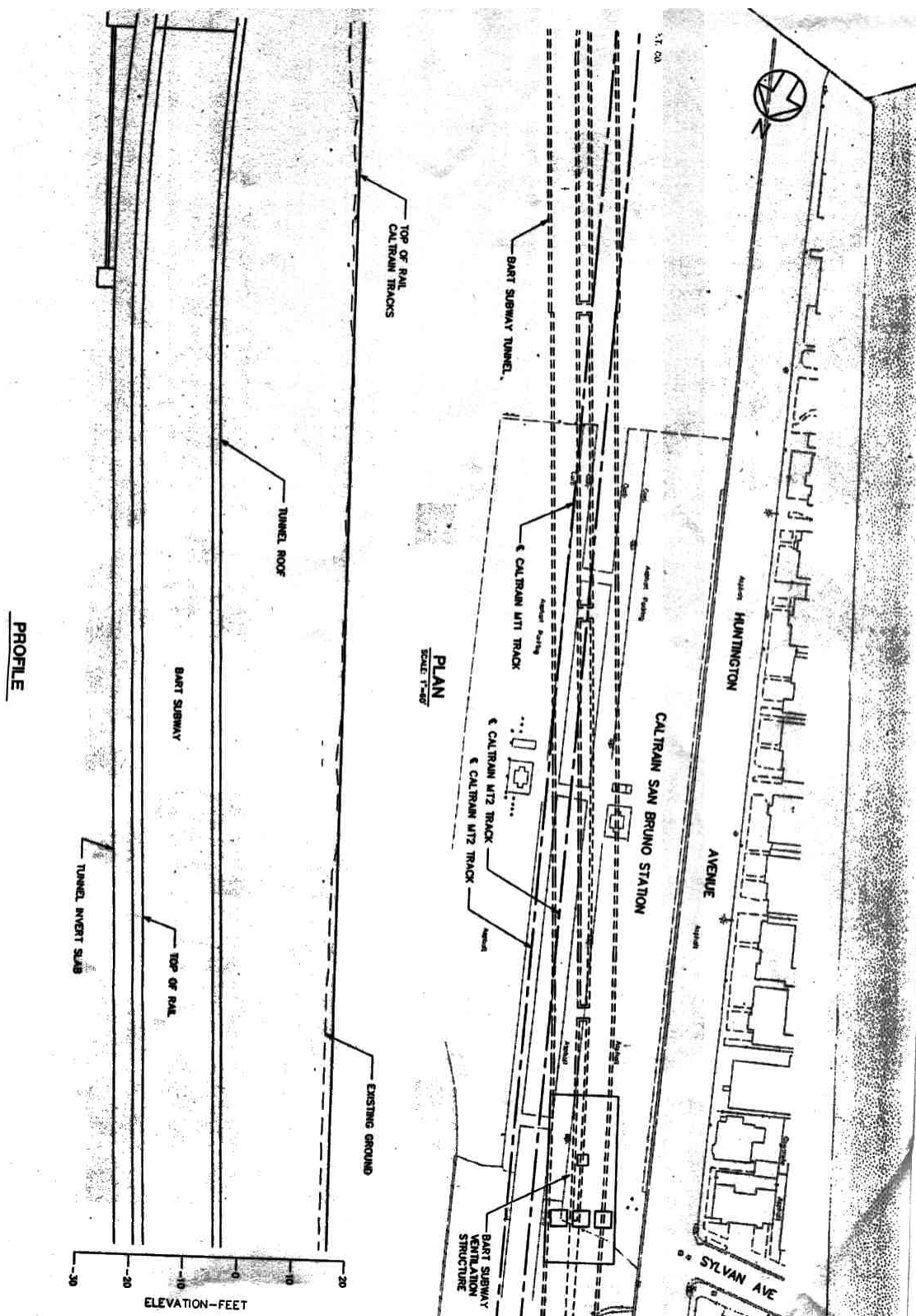
Dated September 5, 2002, at San Francisco, California.

LORETTA M. LYNCH

President
CARL W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners

Commissioner Henry M. Duque
being necessarily absent, did not
participate.





**FINAL
ENVIRONMENTAL IMPACT STATEMENT**

**FINAL
ENVIRONMENTAL IMPACT REPORT**

BART-SAN FRANCISCO INTERNATIONAL AIRPORT EXTENSION

**NORTHERN SAN MATEO COUNTY
CALIFORNIA**

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION (FTA)**

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (BART)
SAN MATEO COUNTY TRANSIT DISTRICT (SAMTRANS)**

**WITH COOPERATING AGENCIES:
U.S. ARMY CORPS OF ENGINEERS
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL AVIATION ADMINISTRATION**

PURSUANT TO:

National Environmental Policy Act of 1969, §102, 42 U.S.C. §4332(2)(c); National Historic Preservation Act of 1966, §106, 16 U.S.C. §470f; Federal Transit Act, as amended, §§(d), 3(i) & 14, 49 U.S.C. §§1602(d) and (i) and 1610; Title 49 U.S.C. §303 formerly Department of Transportation Act of 1966, §4(f); and California Environmental Quality Act, California Public Resource Code §21000 *et seq.*

Date: MAY 31, 1996 For FTA: Leslie T. Rogers
Regional Administrator, Region IX

Date: MAY 22, 1996 For BART: Richard A. White
General Manager

Date: 5/22/96 For SamTrans: Gerald T. Haughy
General Manager